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S/N 09/606,961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rodrigues et al.	Examiner:	Eric B. Kiss
Serial No.:	09/606,961	Group Art Unit:	2192
Filed:	June 29, 2000	Docket No.:	MS 150530.1/40062.69US01
Customer No.:	27488	Confirmation No.:	7182
Title:	Performance Markers to Measure Performance of Features in a Program		

CERTIFICATE UNDER 37 CFR 1.6(d):
I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on November 1, 2005.

By: Robert A Kalinsky
Name: Robert A. Kalinsky

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Petitioner, Microsoft Corporation, a corporation organized and existing under the laws of the State of Washington and having its primary place of business at One Microsoft Way, Redmond, Washington 98052, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/606,961, filed on June 29, 2000 and entitled "Performance Markers to Measure Performance of Features in a Program," by virtue of the assignment recorded at Reel 011234, Frame(s) 0736.

Petitioner, Microsoft Corporation, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,754,612 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,754,612, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,754,612, in the event that United States Patent No. 6,754,612 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an attorney of record for the application.

Please charge any fees associated with this disclaimer to our Deposit Account No. 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: November 1, 2005

Robert A Kalinsky

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